Mr. A. Sankara Puduval.—Clause 2 as amended may be taken up and passed.

പ്രസിഡെണ്ട്.—രണ്ടാം വകുപ്പ് ഭേദഗതിചെയ്തതിലോട്ടുകൂടി ഇപ്പോൾ നിങ്ങൾക്ക് അഭിപ്രായം വെക്കുന്നതിനു് അനുകൂലിക്കുന്നവർ കൈപൊക്കുക. വിവരിതാഭിപ്രായക്കാരും അങ്ങനെ ചെയ്യുക.

The clause as amended was passed.

The following amendments to clause 2, notice of which was given by Mr. C. N. Ittiravi Nambudiri, were considered withdrawn, as they were not moved:—

(1) രണ്ടാം വകുപ്പിൽ (എഫ്) എന്ന വ്യാഖ്യാനഖണ്ഡത്തിനു് ശേഷം "മതപ്രചാരവും ആചാരാനുഷ്ഠാനാചരണവും" എന്നതിൽ "വിവാഹത്തിനുള്ള ചില രീതികളും ഉൾപ്പെടുന്നതല്ല" എന്നൊരു വിവരണം കൂടി ചേർക്കേണ്ടതാകുന്നു.

(2) രണ്ടാം വകുപ്പിൽ (ജി) എന്ന വ്യാഖ്യാനഖണ്ഡത്തിൽ "കുടുംബത്തിലെ" എന്ന വാക്കിനു ശേഷം "വിരിഞ്ഞു കിടക്കുന്ന" എന്നൊരു വാക്കു കൂടി ചേർക്കേണ്ടതാകുന്നു.

(3) രണ്ടാം വകുപ്പിൽ (ജി) എന്ന വ്യാഖ്യാനഖണ്ഡത്തിനു് ശേഷം "ഇതുപോലെയുള്ള ചിലവുകളും" എന്നതിൽ "കാരണവന്മാരെയോ മാനേജരേയോ പ്രതിഫലം ഉൾപ്പെടുന്നതല്ല" എന്നൊരു വിവരണം കൂടി ചേർക്കേണ്ടതാകുന്നു.

President.—We shall pass on to the next business.

Adjournment motion for Purposes of Debate.

Mr. N. Padmanabha Menon.—Before that I want some information. The Revenue Member said before that he will be prepared with the necessary plan and papers at 3 o'clock. If they are ready, they may be made available to us. May we know from the Government definitely whether this particular road was being used by non-caste Hindus, before it was handed over to the Paliam?

President.—They are not in a position to say.

Mr. N. Padmanabha Menon.—Even now, they are not in a position to say?

Mr. M. K. Raman.—If they are not in a position, I am in a position to say that all classes of people have been passing by that road from time immemorial. In 1090, when the Christians took a funeral procession through that road, the Paliam authorities obstructed, and the Christians deposited the corpse there, and left the place. Subsequently, the Paliam authorities requested the Christians to remove the corpse from the roads, and a case was recorded. The First Class Magistrate came to a finding that it is a public road used by all sections of the people, and not exclusively by any particular set of people.

Then, again, you will be pleased to note that, in the year 1100, an article appeared in one of the issues of *the Sahodaran*. A cutting from that paper was sent to the Revenue authorities

LIBRARY ARCHIVES Kerala Legislative Assembly

to make investigations. The purport of the article was that the Paliam was attempting to put up new notice—boards prohibiting the use of the road to certain sections of the people. Investigations were conducted, and the Revenue authorities came to the conclusion that that is a road which was being used by all classes of people, and, therefore, notice-boards should not be allowed to be put up. Accordingly, a final order was passed that no notice-board can be put up. Even till the 3rd of Kumbam last, the day of "*Kodiyettam*" (കൊടിയേറ്റം) till that day, all the school boys were passing along that road. The Sub-Inspector, being instructed by the Paliam authorities, wrote a letter to the Head-master of the High School to inform the students that they should not take the usual route to their houses, namely, through this particular road. The children, when they returned from the school, naturally because they were accustomed to go by that lane, wanted to pass along it. It was then that certain servants of the Paliam—and my information is even certain Police constables—took part in belabouring the students' who were returning from the school. On the next day, the public of Narakkal assembled in a meeting under the presidentship of the Hon'ble Member for Narakkal, and passed a number of resolutions protesting against the action of the Police and also requesting the Government to take immediate steps in the matter. They sent a telegram to the Diwan, another to the Commissioner of Police and a third to the District Magistrate. Subsequently, the District Magistrate went to the place. The Second Class Magistrate of Cochin was there. He was halting there for one week during the period of the *Utsavam* (ഉത്സവം). On account of the presence of the Second Class Magistrate, probably, nothing untoward took place during the *Utsavam*. The District Magistrate went there, and in the presence of a very large crowd, advised the Paliam authorities to put up gates there. My submission is that the action of the Chief Executive Officer of the State who is responsible for the peace of the country has been highly reprehensible. In a matter like this, where communities are fighting for their rights, it is the duty of the Government—if at all they interfere—to interfere in such a way as to be beneficial to the suffering classes and not to put into force dying customs and antedeluvian methods of administration. My submission is that the District Magistrate had absolutely no business to do so. If the Government has taken up the attitude that you say it has assumed in a private fight between the Paliam and a section of the people, the District Magistrate had absolutely no business to instruct the Paliam authorities, and thus put the weight of the

LIBRARY ARCHIVES Kerala Legislative Assembly

executive on the side of the Paliam in trying to keep away a very large section of the people who are already suffering from innumerable difficulties under systems already existing.

Now, I leave that matter aside. My submission is that the District Magistrate's action has been highly prejudicial to a very large section of the community, and therefore, I have been forced to table this motion here. I would request this House to unanimously vote for this motion to see that the interference of the Government, whenever such interference takes place, should only be for the betterment of the depressed classes and not to put additional impediments in their way. It is the policy of all the advanced governments of the day to ameliorate the condition of these people—and it will probably be a very retrograde policy for the Government to put additional difficulties in their way when there are difficulties already existing. Therefore, I request that the House would unanimously vote with me to bring to the notice of the Government the emergent and expedient action to be taken by them in this matter, and also to see that necessary action is taken against the District Magistrate who, in such an inadvertent manner, advised the Paliam authorities, in the presence of many people, that they ought to put up gates. My object in bringing this motion is to call the attention of the Government to this particular unfortunate incident and the action of the District Magistrate in connection with that. We extremely regret the incident that took place on the 3rd of Kumbham 1102 at Veliyattuparamba in Nayarambalam where the non-caste Hindus were badly belaboured for passing through the said road, and the most reprehensible conduct of the District Magistrate, who subsequently instructed the Paliam authorities to block the passage in question. My grievance is about the District Magistrate's conduct in advising Paliam to put up gates in the presence of a large crowd. The impression that the District Magistrate would have created in the minds of the people would be that the whole executive force of the Government is on the side of the Paliam, and, therefore, he has created a terror in the minds of the people, and also deprived them of the right of using a way which they were enjoying from time immemorial. This is a matter which I want to bring to the notice of the Government as an emergent matter on which action is to be taken immediately.

Mr. C. Achyuta Menon.—There should be a formal motion. He has made a speech and not a motion.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Unless there is anything definite, we cannot adjourn the House.

Mr. C. A. Ouseph.—The motion is clear. There is absolutely no difficulty.

LIBRARY ARCHIVES Kerala Legislative Assembly

President.—The motion is to draw the attention of the Government to the incident of 3rd Kumbham 1102, and the conduct of the District Magistrate in having given advice to the Paliam. But what is the further action to be taken?

Mr. K. T. Mathew.—The purpose of the adjournment motion is to draw the attention of the Government to a particular matter. That is done.

Mr. C. A. Ouseph.—In this connection, may I ask for a certain piece of information which is relevant to this discussion?

Mr. S. F. Nunez.—Has the motion been seconded?

Mr. C. A. Ouseph.—It need not be seconded.

Dr. A. R. Menon.—I wish to address two questions to the Government, and the Member responsible will be kind enough to furnish me with the necessary information. The two enquiries that I wish to address are the following.—Was this road used by the non-caste Hindus before it was assigned to the Paliam? That is my first question. The second is, if they were using it when the assignment was made to the Paliam, was there a condition that all the privileges enjoyed by the general public, so far as that piece of ground is concerned, were safeguarded in any agreement that they entered into with the Paliam at the time of the assignment? If we get this piece of information, we would be in a position to appreciate the situation thoroughly, and I shall be very much obliged to the Revenue Member or any other Member of the Government for the same.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I think, yesterday, I answered in a way the very same questions. Now, I shall explain them once more in a different way.

First of all, there has been no assignment. The thing that I want particularly to impress upon the mind of the House is that there has been no assignment at all. Those lanes stand at the present moment registered as *Porambokes*, and *Porambokes* are the property of the Government, according to the Land Conservancy Regulation. I think I have made this point clear, and if it is clearly understood, I shall proceed to the next point.

Now, I shall proceed to show how, in 1099, the Paliam happened to be connected with these particular lanes. During the Survey and Settlement operations, as I explained yesterday, roads, canals, channels, tanks, buildings, etc., to which the public or a section of the public had a right, were all registered as *Porambokes*, according to the very letter of the definition of "*Poramboke*" given in the Survey Regulation and Rules issued thereunder. There the *Poramboke* is defined as meaning and including "roads, paths, tanks, canals, channels, ditches rivers, backwater, burial grounds and similar areas which are

LIBRARY ARCHIVES Kerala Legislative Assembly

reserved for the *general use of the whole public or sections thereof.* So all the lanes leading to Temples, Churches, Mosques, etc,. were registered as *Porambokes* on account of their being reserved for the use of a *section* of the public. Because they are registered as *Porambokes*, there is a sort of responsibility or liability on the part of the Government to maintain them. Further, the fact that such lanes are registered as *Porambokes* tends to create an impression that every subject of H. H. the Maharaja, without distinction of caste or creed, has a right over them. There is a general feeling like this among the people. The Krishna Vilas Palace is a *Poramboke*, the Ernakulam Temple is a *Poramboke*, and there are ever so many other *Porambokes* like this, which are not obviously reserved for the use of the whole public. Because a certain field is registered as *Poramboke*, and because it is the property of the Government, there is a set of people who think that it is public property open to all. This impression is wrong. A field is registered as *Poramboke* not solely on the ground that it is useful for the whole public, but because it is reserved for the use of a section of the public. In order to clear this misunderstanding, what we did was this. We will take, for example, the Church *Porambokes* first. There were some applications received from Churches for the Church Nadas (ചാമ്പുകൾ) being required as Church property. Instead of assigning them as Church property, we merely treated them as Church *Poramboke*, or *Porambokes* under the control of the Churches. The first of the complaint was somewhat like this.—"Because a "field is the property of the Government, if we go and construct "a drain or if we take a spade, and level it, the Village Officers "come and say that it is encroachment, and therefore, they charge "a penalty, because we cannot go and occupy a *Poramboke* un- "authorised". There were several complaints like that. There were also complaints to the effect "this is a *Poramboke*; it is useful only to a certain section of the community; other sections of the community cannot use it etc, etc.". So a general classification of all the *Porambokes*—roads and lanes—was ordered, purely for administrative and executive purposes. They were classified under several heads— 1) as a general *Poramboke* to which the whole public can have access, (2) as a Temple *Poramboke* useful for the temple-going population, (3) as a Church *Poramboke* to be used by the church-going population, and so on, according to the use to which each field was put to and the agency attending to its maintenance. Instructions were also issued accordingly. Certain *Porambokes* were also transferred to the control and management of private Jenmies. Otherwise, according to the strict letter of the law, if Jenmies repair them, their

LIBRARY ARCHIVES Kerala Legislative Assembly

action will be considered as encroachments as soon as the Land Conservancy Regulation was passed. In working this Regulation our policy is not to annoy the people. If a section of the public used a road or lane for a specific purpose, we transfer it to their control. The whole thing has been done like that. In the same way the *Poramboke* field in Nayarambalam, now under discussion, also happened to be transferred to the control of the Paliam.

The *Poramboke* registry was not allowed, but a note was ordered to be made in the remarks column of the Settlement Register that it is a Temple *Poramboke* under the Paliam control. If any dispute arises, we conduct elaborate enquiries, and by taking evidence do the needful. I have got a sketch prepared which I shall explain. (A sketch was brought and shown). This sketch was prepared by my Ezhuva Revenue Inspector.

Mr. M. K. Raman.—That does not improve matters. Does this lane stop at the temple ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—No.

Mr. C. A. Ouseph.—It goes to the canal on the northern side ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes.

Now, I shall read the explanatory note accompanying this sketch, which was just now prepared by the Ezhuva Revenue Inspector.

Mr. O. R. Chummar.—Was the Ezhuva Inspector allowed to go there ? (*Laughter.*)

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I can't say.

Just to the north of the Nayarambalam Temple there is a *thodu*. We have a number of *thodus* intersecting the whole locality. There is a *thodu* in the north, also another in the south. (I am now explaining the geographical features of the place in order that you may understand it). There is a sandy ridge in the locality. There are many swamps between, and for draining them we have got a lot of east-to-west canals, and over the top of that sandy ridge there is a *Rajapatha*—public road—going through the southernmost part of the Vypeen Island straight up to Munambam. This Veliyattuparambu and the temple are a little to the east of the *Rajapatha*—say half a furlong or a furlong to the east of it. *The Revenue Inspector was called in to point out the particular places in the map when the Diwan Peishkar was reading the explantory note.*)

Explanatory to note.

Survey No. 297/1 is the temple site and Survey No. 296/1 is the site of the Paliam building. Portions of Survey

LIBRARY ARCHIVES Kerala Legislative Assembly

Nos. 302/2, 297/2, 296/2, 298/2 and 302/2 marked A to S and marked in redink are the sites converted Temple *Porambokes*. These are still *Porambokes* which are the properties of the Government, but have been noted in the remarks column of the Settlement Register as a Temple *Poramboke* transferred to the control of the owner of the Ramankulangara Temple, i. e., Paliam, on the ground, apparently, that they are intended to be used only by those who have to visit the temple for purposes of worship. However, there is nothing on record to show that any elaborate enquiry was made at the time it was ordered to be transferred to the control of Paliam as to whether Ezhuvas, Christians, etc., also were freely using them. The fact remains that these are the lanes by which the temple-going population can go to the temple.

There is continuous way for all passengers from the main road to the west through Survey Nos. 289/3, 290/3, 291/5 and the remaining portion of Survey No. 296/2 up to the canal on the north.

Survey No. 298/2 which has been registered as Temple *Poramboke* also ends at the same *Poramboke* canal, and the people have to walk through the canal up to the end of Survey No. 282/2. But there is a detour of 3¼ chains which is not very appreciable.

The complaint is that those who will have to go to Survey No. 282/2 from the southern side of Survey No. 302/2 have no general *Poramboke* way accessible to all classes of people. In order, however, to get at the northern portion of Survey No. 296/2 which is kept intact as general *Poramboke*, it is necessary to connect it with the western portion of Survey No. 302/2 as indicated in violet pencil. This is private land and has to be acquired. The incident is understood to have occurred at Survey No. 297/2.

What has been represented to me is that, even if we allow those lanes to remain as temple *Porambokes* under the control of Paliam, if a new connecting pathway is made (probably the site may be Paliam Jenm), then there will be a continuous connection. What I wish to point out to the House is that in a matter like this, we have to act in a very responsible spirit of compromise and conciliation. If only all the people affected, instead of going to the District Magistrate and the Police and creating sensation had assumed a sort of *Satvaic* attitude, and had come to me, I would have looked into the matter and redressed their grievances, and this could have been easily done. That is what we did in the Pachalam dispute where we had a similar difficulty.

Mr. S. S. Koder.—May I know where the school is ?

LIBRARY ARCHIVES Kerala Legislative Assembly

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is far away.

Some portion of the road was registered and treated as Temple *Poramboke*,and the people,the moment they got sanction, began to put up gates, and the other sections of the people complained to the Diwan at once, and the Diwan at once sent those papers to me. I went to the place and advised them not to proceed with gates, and they consented. The opposite party told me that they were not very particular about going through that road,and that it would be enough if they were given a road whereby they could pass without any molestation. I negotiated; the nine days' wonder, the sensation we had for two days,public meetings and resolutions and all these things, ended there. I told them "here is the passage; if you do not want to foster communal troubles or anything like that, you had better be satisfied with that; you all belong to the same God you are all created by the same God you are all ruled by the same benign Ruler who makes no distinction between caste and caste; and you should go on amicably." There in Pachalam near Ernakulam Town we have succeeded. Here we have Paliath Achan; though he is a high caste Hindu, he has, I think, more Ezhuva and Christian tenants than caste Hindu tenants. If my information is correct, they are more loyal and pay their rents more than any caste Hindu. Now, in the whole State, there is no landlord who is more generous towards his non-caste Hindus and poor tenants than the Paliath Achan. If these facts are represented to him, I do not think he will insist upon all those people being shut out without being given a proper way of access. Certain reasonable terms could have been agreed upon, and an amicable settlement arrived at, and all these troubles could have been avoided. If the intention of the mover of the resolution is only to see—

Mr. C. A. Ouseph.—Fifteen minutes is the time allowed. This explanation may take up the whole time.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I was very busy in another place, and I was caught hold of and brought here. I have been trying to explain the situation. I shall stop, if no further explanation is necessary.

President.—Well, you can proceed.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Well, we are very sympathetic towards the depressed classes. We do not want to cause any restriction or disability to Ezhuvas and Pulayas. But at the same time the rights of individuals have to be

LIBRARY ARCHIVES Kerala Legislative Assembly

respected (*Hear, hear*) without, in any way, causing clash of interests between the two parties. If we can find a *via media*, certainly we should follow it. That is the policy that the Government have been following. And here also I am prepared to use all my authority, all my knowledge of the population of the locality and of the landlords and tenants and other people to see that a compromise is arrived at, and to see that they are given the right of way without being made to wade through water, canals and all those things. If this explanation is sufficient, I think that all the heat of the motion and discussion will subside.

Dr. A. R. Menon.—But you did not answer the question as to whether these people were using the road at any time.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—There is no evidence. The Government cannot give a definite answer now without enquiry.

Mr. M. K. Raman.—My question is this. There was a complaint that the Paliam people were trying to put up notice-boards. The Revenue authorities enquired into the matter, and found that there was no such attempt. I want to know whether there was such a report from the Revenue authorities, and whether in the report sent by them it is stated that this public road was used by all classes of people.

Mr. M. Krishna Menon.—I say the reports may be read.

Mr. A. K. Vengu Ayyar.—Sir, I shall read the Nayarambalam Village Officer's report.

C/5. വില്ലേജാഫീസ്, നായരമ്പലം,
ഞാറക്കൽ, 1102 ഇലാം 21-ാംനു.

കൊച്ചികണയന്തൂർ
താലൂക്കകച്ചേരിയിലേക്കു്.

"ഏളങ്ങന്നൂഴ ഫക്കീ റെവന്യൂ ഇൻസ്പെക്ടർ അവർകൾ വഴി ബോധിപ്പിക്കുന്നതു്. വെളിയത്തുപറമ്പു് എന്ന സ്ഥലത്തു് പാലിയം വക ക്ഷേത്രത്തിന്റെ വടിഞ്ഞാറെ ഭാഗത്തുള്ള വഴിക്കു് വഴിയിൽ കൂടി ഈഴവർ നടക്കുന്നതിനു തടയുന്നതിനു് ഒരു ബോർഡു് സ്ഥാപിച്ചു കിട്ടുവാൻ അവിടത്തെ സവർണ്ണപ്രമാണികൾ ശ്രമിച്ചുവരുന്നു എന്നും മറ്റും കാണിച്ചു് സഹോദരൻ പത്തിന്റെ ഒരു പ്രതിജ്ഞയും അപേക്ഷണം നടത്തി സ്ഥലത്തിന്റെ സ്കെച്ചോടുകൂടി രണ്ടുദിവസത്തിനകം റിപ്പോർട്ടചെയ്യുന്നതിനു റവന്യൂ ഇൻസ്പെക്ടർ അവർകളുടെ ആപ്പീസ്സിൽനിന്നും 1102 ഇലാം 19-ാംനു C/279-ാംനമ്പരിൽ ഉണ്ടായ മെമ്മോയും പത്തിന്റെ ചേഖനവും കിട്ടി. അതിലെ താല്പര്യപ്രകാരം അപേക്ഷിക്കയും റിക്കാർഡുകൾ പരിശോധിക്കുകയും ചെയ്തു വിവരത്തിനു് സ്കെച്ചു് തയ്യാറാക്കി ഇതൊന്നിച്ചു് ബോധിപ്പിക്കുന്നു.

"എന്നാൽ ആ ക്ഷേത്രത്തിനു് വടക്കും പടിഞ്ഞാറും ഉള്ള വഴികളെ സംബന്ധിച്ചു് ലേഖനത്തിൽ പ്രസ്താവിച്ചു കാണുന്ന പ്രകാരം ഈഴവർ മുതലായ ജാതിക്കാർ കടന്നു പ്രവേശിക്കുകയും ആ സന്ദർഭങ്ങളിൽ ഒക്കെയും ലേഖന

LIBRARY ARCHIVES Kerala Legislative Assembly

LIBRARY ARCHIVES Kerala Legislative Assembly

(ഒപ്പ്).
(ഒപ്പ്).

(നേരെപകർപ്പ്)

ടി. പി. ഗോപാലമേനോൻ,
തഹസിൽദാർ.

The following is the Elangunnapuzha Revenue Inspector's report, dated 26th Vrischigam 1102, to the Tahsildar of Cochin-Kanayannur :—

" I enquired into the matter, and found that the facts contained in the article are found to be true. Attempt is being made by the Paliam to put up a notice-board in the *Poramboke* lane running through the western side of Survey Nos 298/1, 297/1 and 302/1 and coloured red. These sites were transferred in the name of Uralans of Ramankulam Temple, as per orders in S. C. 478/98, dated 29th Mithunam 1099. The tank of the temple compound is situated very close to the lane and passage of Ezhuvas and other backward communities causes pollution to the tank.

" For some time, the Christians were not allowed free use of the lane under reference, and a dispute arose in 1089 between Paliam and the Christians of the locality with regard to the free use of the lane. A petition was presented in the First Class Magistrate's Court of Ernakulam by the Paliam Manager, requesting the Court to issue orders prohibiting the Christians not to take their corpse through the lane. The case was keenly contested and decided in favour of the Christians. The file number of the case is M. P. 50/89.

" Paliam Muthalpidi of Narakkal had promised to give a statement to the effect when I happened to see him on my way to Chennamangalam

on 10th Vrischigam 1102. He has not given any statement but now says that he could not do antyhing without orders from Paliam Chief Manager. If any statement from Paliam authorities is required, the same may be obtained there.

"The petition presented to me by the Christians of the locality, report of Village Officers, cutting of the article are herewith resubmitted."

The following is the Cochin-Kanayannur Tahsildar's report, dated 10th Dhanu 1102, S. C. 403/1012 to the Diwan Peishkar:—

"In resubmitting herewith the enclosure forwarded with your endorsement on S. C. No. 199/1102, dated 7th Thulam 1102, I have the honour to report that the complaint referred to is against the attempt made by Paliam to put up notice-boards, prohibiting Ezhuvas, etc., from passing through the *Poramboke* lanes, Survey Nos. 298/2, 297/2 and 302/2, adjoining the Ramankulangara (Veliaythankulangara) Temple belonging to Paliam in the Nayarambalam village. A sketch of the lanes, together with extract from the Settlement Register, is submitted herewith. These lanes were made Temple *Poramboke* and transferred to the management of the Uralers of the above temple as per Diwan Peishkar's Proceedings dated 27th Vrischigam 1098, S. C. 286/98. The temple tank is situated close to the lane, and it is apprehended that passage of Ezhuvas, etc., through the lane will cause pollution to the tank. The Paliam local Muthalpidi says that the Paliam authorities are, therefore, approaching the Government to sanction the putting up of notice-boards there. No attempt is now seen at the place to put up notice boards, and the Muthalpidi says that notice-boards, if any, will be put up only after obtaining Government sanction, as boards put up without sanction will have no value. The question of sanctioning the putting up of notice boards may be carefully considered by the Government when it comes up. At present there is no room for any complaint."

There was no reason for any complaint that the Paliam authorities were trying to put up notice-boards.

Mr. M. K. Raman.—The very fact that an attempt was made to put up a notice-board shows that they were passing through that road before. I request that necessary action will be taken against the District Magistrate.

Mr. C. A. Ouseph.—I have to speak a word and that is with regard the opinion expressed about the conduct of the District Magistrate who is not present here. I do not know whether such serious allegations can be made against the District Magistrate. What I consider is that it may not be quite fair to that gentleman.

Mr O. R. Chummar.—But there is the Law Member to defend him.

Dr. A. R. Menon.—I fully endorse those remarks.

Mr. C. A. Ouseph.—I asked for some piece of information. Was the Gazette order regarding the transfer of *Porambokes*, lanes and other things passed by Diwan Mr. Narayana Menon

LIBRARY ARCHIVES Kerala Legislative Assembly

in 1097 general? I requested the Council Secretary to furnish me with the Gazettes for the last two years.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—In Diwan Mr. Narayana Menon's time, there was a general order, but it was not published in the Gazette. The order published in the Gazette was only with regard to a few *Porambokes* in the towns of Ernakulam, Trichur and Mattancheri. I think I can prove the facts by my records. There was Gazette notification only with respect to some *Poramboke* lands in Ernakulam, Mattancheri and Trichur. Then, the question arose as to whether similar notifications should be published in regard to rural parts also. Then we came to the conclusion that there was no necessity to publish notification in the Gazette, as the classification was purely for administrative purposes. To the best of my knowledge, they were not published. I have got the file with me and I will read it to you. It was not published. What was published is the Diwan's Proceedings relating only to Ernakulam, Mattancheri and Trichur.

Mr. C. A. Ouseph.—I remember it was published in 1097. There was a notification.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It was not published. I have got the file here.

PROCEEDINGS OF THE DIWAN OF COCHIN.

Revenue Department.

(*Devaswam*).

"Read (1) petition, dated 30th Chingam 1098 from Kasturi Narayana Menon and others *re*: the cleaning of the Ramanchira tank situated near the Tiruvanchikulam Temple.

Also (2) the Devaswam Superintendent's R. O. C. No. 478/98, dated 6th November 1922.

Order Dis. No. 21/R/98, dated 13th November 1922.

* * * *

2. The Devaswam Superintendent and the Diwan Peishkar are informed that the registry of all tanks, *Utsavam* grounds, roads and lanes attached to temples should be altered from "Sirkar *Poramboke*" to "Temple *Poramboke*" as in British India.

* * * *

(True extract)

(Sd.)

For Secretary to the Diwan.

To

The Devaswam Superintendent,

" Diwan Peishkar.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. Ouseph.—I know it is published. But the Gazette is not forthcoming.

Mr. M. K. Raman.—I request that we may pass on to the discussion. We should not wait.

President.—Yes.

Mr. A. B. Salem.—May I know whether you ascertained anything from the District Magistrate about the state of affairs?

Mr. Sheik Abdul Qadir Sahib Bahadur.—The District Magistrate is not here. How can we get information?

Mr. A. B. Salem.—Hundreds of rupees are being spent on telegrams. Why can't you get the information by wire, and supply it to the House? My question is whether any attempt was made to get correct information from the District Magistrate.

President.—They have not received any information.

Mr. C. A. Kunjunni Raja.—May I know what the distance from the temple to the road is?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is only a few links.

Mr. C. A. Kunjunni Raja.—I myself have seen that place, and I think the temple is too near the road. I have seen it in the course of my village inspection.

Mr. N. Padmanabha Menon.—May I know whether any attempt was really made to block up the way? What is the latest information?

Mr. Sheik Abdul Qadir Sahib Bahadur.—No attempt has been made.

Dr. A. R. Menon.—Sir, I rise to second the motion, and continue the debate. When I consider the facts placed beforeus, I cannot codemn the Government for any high-handed action. But that the Government are at least wilfully partial to the caste Hindu community cannot be denied. I am bound to come to the conclusion that, in all these dealings, your learning has always been towards the caste Hindu, rather than the non-caste Hindu. I addressed a question whether the Government was aware that the road was used by the non-caste Hindus, and the answer given to me was that they had no information in their possession. That is to say, they are not certain whether non-caste Hindus were using the road or not. Now, it is also admitted, from those reports read here, that the Revenue Inspector and the Parvatiam have addressed communications to the Tahsildar stating that there is some sort of agitation in that part of the world, and there is an imminence of outbreak of

LIBRARY ARCHIVES Kerala Legislative Assembly

hostilities between the caste Hindus and the non-caste Hindus. This report has been received by the Government a few days back.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—No, we received it only recently.

Mr. M. K. Raman.—Is it just before this incident?

Mr. A. K. Vengu Ayyar.—In this year.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—The Parvatiam's report is on 21—3—1102, i. e., in Tulam; the Revenue Inspector's report is on 26—4—1102, i. e., in Vrischigam, and the Tahsildar's report is on 16—5—1102, i. e., in Dhanu, and the Diwan Peishkar's report in Makaram.

Mr. M. Krishna Menon.—And now we are in Kumbham.

Dr. A. R. Menon.—In a matter like this it seems to me strange that the Government should have legally and physically and morally rendered all help to these Paliam people on the ground of the sacredness of individual rights, while forgetting their solemn duty to the down-trodden by widening the social inequalities that unfortunately exist between the different sections of the Hindu community. Is it not the right policy for the Government to pursue a line of action that would bring together all this heterogeneous communities into a homogeneous one? I was surprised to hear last year, in answer to a question addressed to the Government, the Secretary to the Diwan answered in this way: A question was asked by the Member for the Ezhuva community, whether it was a fact that on a certain day a certain procession was taken through a public road in the capital and whether all Ezhuvas and other backward classes were asked to clear out of the public road. The answer given was "Yes, because it is the old custom". Now, I ask you why is the Government was so very considerate over the custom—a custom followed by a minority of Hindus in this State? In all these matters, is it the intention of the Government to respect the feelings of the caste-Hindus in preference to those of the non-caste Hindus? Has not the non-caste Hindu an equal public right? Who gave the Government the license to reserve the public roads to the exclusive use of the arrogant caste Hindus? I do not ask you to allow any of them into your temple; I myself do not go into your temple very often, and I do not think I am much the worse for it. There are ways to reach heaven other than through the portals of temples. In matters of public right, of elementary rights of human beings, you should not make any distinction between the caste Hindu and the non-caste Hindu. You allow your dogs to walk through the public roads, but you don't allow

LIBRARY ARCHIVES Kerala Legislative Assembly

the rights your dogs enjoy to the men who follow your own religion! Is this right? Is this just? I don't wish to attack the Government as much as I would wish to attack the caste Hindus. But it is only fair you should follow a line of action and a line of policy consistent with the modern requirements and with the dictates of decency. On a question asked to him about wells, the Director of Public Instruction said that it is a mistake to suppose that we are not ameliorating gradually all those social differences. It is most important to assume that, though we do not feel appreciably the social changes, yet they are gradually taking place. Just as we do not notice the growth of a child, though we know, as a matter of fact, that such a growth is taking place, though we do not note any appreciable change between one day and another, yet we do know, as a matter of fact, that such changes do take place. If I have a voice in this matter—a preposterous supposition, no doubt—I would enunciate a policy by which the Government would not violently lay hands upon the customs of this land on the one hand, but when public opinion gradually prepares the people to gradual changes, the Government will help them onwards, instead of throwing opposition in their way. That is the only proper way by which the Government can gradually get rid of these differences. Therefore, when the people who represent the caste Hindus are very anxious to remove all these differences, I submit it is the duty of the Government not to tighten the law but rather to loosen it and to stretch even a point in favour of these people who are labouring under these disabilities. My complaint is directed against the caste Hindus who use the Government to serve their vile purposes; they will one day feel the bitter consequences of their evil actions. What sort of a religion is this? Is this Hindu religion a cant, a hypocrasy, a humbug? A religion that persecutes its followers has no right to exist. It is not proper for those who have power in their hands to use it to perpetuate sectarian differences, and the Government will not be able to keep peace and order unless these mischievous activities are put an end to. All our policemen and magistracy will be engaged in quelling communal and religious disturbances. It is a pity that the Government have sided with this party of reactionaries. Besides, the bitterness and cleavage between sections will only be widened, and the feeling against the Government will be one of bitterness, because they will be regarded as abetters and helpers of one side or the other. Sir, when you go and help these people to maintain their unreasonable claims, you must realise that conditions have changed. Do all of us follow the principles of Hindu religion? If all of you,

LIBRARY ARCHIVES Kerala Legislative Assembly

gentlemen of the Brahmin caste, were to follow your occupation, and if I were to follow my occupation, we would not have been here. We have forgotten all those differences, and now, the test of a man's worth is not based upon the religion or upon the caste to which he belongs ; but it is based upon his character and upon his ability. I have known many dirty and mean and despicale caste Hindus, and I also know many clean, healthy living men among the non-caste Hindus. I know a large number of people who belong to the depressed classes, who are in many ways superior to the cast Hindus. The mere fact that a dirty man is born in a high caste does not constitute a claim for superiority over the other. I sometimes feel ashamed to call myself a Hindu. I have only this principle to put before you. This is important, because it appears to me that the percentage of the depressed classes in our State is high. Whatever be the decision of this House, whatever be the difficulty to the Government in a matter like this, I do think we, at least, of the educated classses should, in strong terms, express our entire sympathy with the grievances of these people, and their appeal to redress them should echo a ready response in our hearts.

Mr. C. A. Ouseph.—Sir, I heartily support the motion. My object in speaking now is not to make any reference to the activities of the caste Hindus or the non-caste Hindus or the Christians or the Muhammadans or the Jews in regard to their free passage through public paths. My only object is to refer to the seed that a former Diwan of Cochin had sown, of which the results we are now reaping. Sir, when the non-caste Hindus actively worked to get open to them passages already used by other sections of the public, and were trying to force their way, though the then Diwan, Mr. P. Narayana Menon, found this remedy, namely, to transfer all these *Poramboke* lanes, roads, etc., adjoining temples, churches or mosques or whatever they be as Temple *Porambokes* and Church *Porambokes*, etc. And we are now reaping the fruits. My sole object is to refer to that. It is from that act of the Government in 1098 that all these have emanated. By the end of 1097, after Mr. Narayana Menon had become Diwan, people came to know that some such step as these transfers was in the contemplation of the Government. There was loud protest in the country. Several papers complained that Mr. P. Narayana Menon's Government was taking no heed of the interests of the depressed classes. And then what was the result? Several tracks, several lanes, several roads, which were being used by several communities in the State, were transferred over to temples. Sir, I have never heard about

LIBRARY ARCHIVES Kerala Legislative Assembly

this classification of roads as "Temple *Porambokes*". This is a new classification. The Member for Land Revenue read to us the definition of the word "*Poramboke*", and I found nothing in it called "Temple *Poramboke*". That was a creation of Mr. Narayana Menon in order to create trouble for the State. Sir, I request the Government and the House to undo the trouble that Mr. Narayana Menon has created for the State, to undo the acts that have been done in 1097, 1098 and 1099 in regard to these *Porambokes*. We find that places once reserved for the public are now treated as Paliam *Poramboke*, Temple *Poramboke*, Church *Poramboke*, etc. If it is the case for the Government that it was a mistake in the Survey to register these roads and lanes as *Poramboke*, then, those who were entitled could have protested in time. But there was no protest. I believe the Survey began in 1074, and the settlement was over by 1084. The Paliam did not protest against surveying the lane in question as *Poramboke*. We could see all along these nefarious activities of certain interested persons. Then, it was heard that some people were not allowed the passage which even the Christians in Nayarambalam village were enjoying and which people of the lower classes claimed? I mean the depressed classes or the backward classes. In order to deny these rights, Mr. Narayana Menon, when he was Diwan, passed this order. I appeal to the Government to undo these orders, and then, there will be an end of this disturbance. If these orders are not amended, not only in Nayarambalam but throughout the whole State, one day or an another you will find troubles, and you will have to face them. The remedy suggested now is to open another road. Is it a remedy? It is no remedy. No wonder several roads were transferred as Temple *Porambokes*. This emanated from nowhere else than the aged brain of the then Diwan.

Dr. A. R. Menon.—On a point of order. Does the Member think it a proper thing to use such an expression against a gentleman? It was always our practice not to indulge in personal criticisms upon persons who are not Members here.

Mr. C. A. Ouseph.—I do not criticise Mr. P. Narayana Menon. I criticise, as several Members of this House have never been tired of doing, the appointment of an old man who was nearly sixty as Diwan. I am only repeating what Hon'ble Members have said that he was nearly 60, and that his brains were aged. If he had proper brains, and if the Government had kept up the standard of brain which every government should possess, the order complained of would never have been passed,

LIBRARY ARCHIVES Kerala Legislative Assembly

I appeal to the Government to undo the order ; if not, not one adjournment motion, but several adjournment motions will have to be faced by the Government.

Diwan Bahadur Dr. V. Verghese.—I may inform this House; that the administration of most civilised countries is conducted by aged brains. (*Laughter.*)

Mr. C. A. Ouseph.—Now, with reference to this particular path under discussion, the parishoners of the Narakkal Church, which is more than 400 years old, were in the habit of taking corpses through this lane. It is an established custom. In the order of the First Class Magistrate referred to by the Member for Ezhuvas, it is seen that this temple is not more than 50 years old. How did this temple get a better right than the church itself or the people who used to take the corpses along the path or were passing along it? As a result of the order, what is it that has now happened? When the trouble arose, the policemen went there, and as soon as they went there, they tried to protect the Paliam from those children who went to school by that way, who were unfortunately Ezhuvas. Were they justified? Did they ascertain that it was not open to Ezhuvas and other depressed classes? As soon as they got information, they went there, and opposed these children. The District Magistrate also went there. Not satisfied with the Police in the Narakkal Police Station, they got policemen from the Mattancheri Police Station also. Further, the District Magistrate advised the Paliam to put gates on the road without taking evidence to see whether the path was used by Ezhuvas and other classes. It was their duty to prove, before they obstructed, that the road is not used by the others. I think the Revenue authorities too have not made out that it was not used by others. My information is that the temple is some 40 yards away from the lane—and I am speaking subject to correction and criticism—and that there will be no *Theendal*, if an Ezhuva passes by that way. As regards the tank, I am not certain. It is only to protect the temples and not to protect tanks that Mr. Narayana Menon passed orders transferring *Poramboke* lanes and roads ; so that, Sir, the Government authorities have openly sided the Paliam, and have advised them to put gates on the road. By obstructing, they have negatived the rights of the depressed classes. The Christians too would be prevented from passing through that road and taking corpses. This right was found to be existing by the First Class Magistrate's Court. To put up a gate would be placing some restraint upon free passage. How is it supported? Was the District Magistrate justified in ignoring that fact and in advising Paliam authorities to put up a gate in that road? It is

LIBRARY ARCHIVES Kerala Legislative Assembly

violating all rules pertaining to natural justice. Sir, it is for the Government to question these acts and get the explanation of those concerned, and then to see that, hereafter, whenever executive officers go to a place, it is for them first to see who is the obstructor,and who is the enjoyer,and place obstructions against those who go against the law and to side with those who are in the right. With these observations I support the motion.

Mr. A. B. Salem.—I raise to support the motion. There is no heat in me with reference to this motion. I look at it with complete detachment. I find from the map here, (*holding the map in hand*) Sir, that this road is the continuation of a road. A single road passes through the entire map, and goes from this end and goes on, I do not know how far. Therefore, this road which is now supposed to be closed is only part of an old road, and certainly, it cannot be supposed that the people of Nayarambalam—be they Ezhuvas, or Christians, or Jews or Muhamadans—could not have been passing through that road. There is sufficient evidence before this House to the fact that these roads have been used by the public at large. There is a decision of the court. I shall tell you; the evidence is that the District Magistrate, in 1099, when a dispute arose, decided in favour of the Christians passing through this road. And I know of no road through which a Christian passes which is closed to the Ezhuvas in Cochin! I do not know. It has been stated here in reply to a question that in the whole of the Cochin State there is only half a mile of road that is closed to Ezhuvas; that is in Trippunittura and Irinjalakkuda. All other roads are open to all castes. That was the statement made by the Government.

President.—I do not think they meant these lanes.

Mr. K. T. Mathew.—Statements of roads, lanes, thoroughfares, etc., closed to non-caste Hindus were placed on the table.

Mr. A. B. Salem.—I think the question was not asked of metalled roads alone. You find here that this road which passes by the supposed temple-site is also a continuation of another road of very great length going to the *thodu* from somewhere south—far south. Therefore, there is absolutely no justification of any kind for us here to hold a view that it was at any time closed to Ezhuvas. I, therefore, say that the Government has erred, and seriously erred in these times of removal of untouchability, when the whole of India is going to nationalise itself, to fight against a higher and cleverer civilisation of exploitation, when they are going to unite into a single compact nation of importance by the removal of untouchability, in giving

LIBRARY ARCHIVES Kerala Legislative Assembly

their services to the higher instead of to the lower people. When the different sections are trying to weld themselves into one, what do we find here? We find the Government of Cochin is not moving with the times. It pains me hard, and it is a great grievance to me as a citizen of Cochin to tell the Government that it is not apparently aware of this unification of the whole population of the whole land. I am sure, Sir, that there will not be a patriotic soul in the whole length and breadth of Cochin to say that we should not take our part in this great unification. (*Hear, hear.*) This is going to come. We cannot, therefore, leave back a section of the population, twenty-seven per cent, behind, and we must carry them along with us. We must stretch every point to give them that right and to make them feel that they are one with us, and that they are part and parcel of the great polity of Cochin. And the nationalisation of this land will not also take place, unless the higher castes come forward and say to the lower:—"You, brothers; we must get you up and take you along the road of progress." I am extremely pleased to hear the Hon'ble Member for Irinjalakkuda who has supported this proposition in most eloquent terms. He being a high caste Hindu, it cannot but have a very desirable effect upon the higher castes in Cochin. I, therefore, think, Sir, that this is a proposition in which every Member of this House would stand up and say in clear words that the action of the authorities with reference to their right to obstruct the passage to the lower castes should be countenanced by this House or by the Government with disfavour. Our advice to the Government would be to direct the District Magistrate to give instruction to the policemen to uphold the right of all human beings to pass through that road, and not to come to a compromise over it at all. Compromise is not a remedy for evil, and it will certainly bring upon the body-politic undesirable effects. Non-co-operate with evil and not with good. Now, what is the remedy suggested? The construction of a new road. That means some more pressure on the tax-payers, and this is no remedy. That is merely a make-shift.

Now, what is pollution? One can understand it as a flutter from delusion. In this instance, the opposite party is the premier landlord of the Cochin State whose ancestors were the hereditary Prime Ministers of this State. Certainly, he would give land for a new road. Now, in the case of this particular temple, if they find that it is close to the road, they could take the temple far away from the road, so that private rights and private privileges may be exercised without any hindrance whatever from the polluting feet of the Ezhuvas. Certainly, Sir,

LIBRARY ARCHIVES Kerala Legislative Assembly

this is the policy to be adopted, and we want it to be impressed upon the Government. Now, I have got absolutely no intention to wound the feelings of any body. There may be honest people among the high caste Hindus, and I would suggest every friend of Ezhuva reform to consider such honest claims of the high caste Hindus, and they must also give up fighting for their rights so that they may get the sympathy of other classes all over. Now, ignorance stands in their way. If they find honest men educated enough and able to know what is right and what is wrong, and who should know that this distinction should be washed away into the Indian ocean before India can unite itself, asking them to get out of the way, they should with all manliness stand upon the spot and take the consequences, whatever they may be. I would also at the same time request my Ezhuva friends to respect every old woman who passes by the road, and remove himself to allow her to pass on, so that her feelings may not be wounded. To the social reformers, I would venture to suggest at the same time a manly venture in this direction. I would tell them, Sir, that, if the Government sends two policemen to block this road, they are to go and stand there. In Vaikom what was the result? It attracted all India's attention. All went to Vaikom to maintain the liberal policy in Travancore. People from far out Punjab—Akalies—opened a kitchen at Vaikom. For what purpose? They did not know anything about our customs, manners, etc.; they could not taste our food; they were like fishes out of water. The whole thing was done for the one feeling of unification, and they went there, and spent money, spent their energy, worked for their people. With what motive? To take away from Hinduism its cancerous growths. That was the object; and what was the result? Travancore, which stood by the side of the caste-Hindus, welcomed Mahathma Gandhi into their Royal House, and Her Highness, the Maharani Regent of Travancore, said.—"I shall be very pleased to pass orders with the weight of all authority so that My Government shall give all help to the uplift of the poorer classes, and We shall not be a party to maintain these cancerous growths of My religion." And what do we find here to-day? Our Cochin Government—which always tells us from the chair we are following Travancore in all important matters—is telling us "Please don't make any disturbance; we will effect a compromise, and we will give you another road." Here Cochin is not following Travancore. I should say Cochin should go ahead of Travancore. I would be very pleased, if a band of right-thinking high caste men would take some Ezhuvas all over the place and show that they should be treated as one

LIBRARY ARCHIVES Kerala Legislative Assembly

of us. This is the only way by which things can come to a head. Once more I support this motion.

Mr. A. Eachara Menon.—What was the result of Mahatma Gandhi's visit in Travancore?

Mr. A. B. Salem.—The Government said that they would not post policemen there at Vaikom for Satyagraha.

Mr. A. Eachara Menon.—What were the terms on the other side?

Mr. A. B. Salem.—The Government refused to interfere on the side of rotten caste customs; that is what they did. Whatever was the attitude of the Satyagrahis, they would not interfere. And their attitude was changed, because these caste customs were detrimental to the unification of India.

Mr. M. K. Raman.—I would request the Government of Cochin to take in all these things into consideration in administering public right, and that they should uphold rather than restrict the right to a certain section of the body-politic. I do not see how some can have some right and others cannot have that right. Every one has a right to maintain that right which is indivisible, and that is all what I have to say on this motion.

I would also request to propose a closure motion.

President.—You have not heard the other side. They too should be given a chance to reply to the various criticisms raised by you.

മിസ്റ്റർ. കെ. വി. കറുപ്പൻ.—സർ, വിദ്യാഭ്യാസം കൊണ്ടും നാഗരീകത കൊണ്ടും പരാതസ്ഥിതികളാലും ഹിന്ദുസമുദായങ്ങൾ തമ്മിൽ പൂർവ്വാധികം സാഹോദര്യത്തിലും സൌഹാർദ്ദതയിലും വർത്തിക്കുന്ന ഒരു കാലമാണിതു്. ആ സ്ഥിതിക്കു് ജാതിഭേദത്തെയോ ജാതിവൈരത്തെയോ വർദ്ധിപ്പിക്കുന്ന വിഷബീജങ്ങളെ നട്ടുവളർത്തുന്നതിനുള്ള വേലി നമ്മുടെ സംസ്ഥാനത്തു കെട്ടുന്നതു് ഒട്ടും ഉചിതമായിട്ടുള്ളതല്ല. പ്രസ്തുത വഴിതന്നെ ജാതിയെ അനുസരിച്ചു തീണ്ടൽ പുലർത്തുന്നതായാൽ പോലും തീണ്ടൽ ഇല്ലാത്ത വഴിയാണു്. തീണ്ടൽ വിധിക്കുന്നതു് അശുദ്ധം എന്ന ഗ്രന്ഥത്തെ അടിസ്ഥാനപ്പെടുത്തി ആണെന്നാണു് ഞാൻ വിചാരിക്കുന്നതു്. ജാതിയുള്ള ബ്രാഹ്മണരാരിയായവരിരിക്കുന്നതിനു് 24 അടി അകലെക്കൂടി തീണ്ടൽ ജാതിക്കാർ പോകുന്നതെന്നാണു് ആ ഗ്രന്ഥത്തിൽ പോലും വിധിച്ചു കാണുന്നതു്. പ്രസ്താവത്തിലെ തോതു 40 അടി അകലെയായിട്ടിരിക്കുന്നതായിട്ടാണു് മുൻപ്രാസംഗികന്മാരിൽ നിന്നും അറിയാനിടയായതു്. അങ്ങിനെയാണെങ്കിൽ പ്രസ്തുത വഴിയെപ്പോയാൽ തീണ്ടൽ ഇല്ലാത്തതാണു്. വിശേഷിച്ചും ഈ സ്ഥലം പുറമ്പോക്കാണെന്നു് ഗവർമ്മെണ്ടു തന്നെ സമ്മതിക്കയും ചെയ്യുന്നു. അങ്ങിനെയുള്ള പുറമ്പോക്കു സ്ഥലങ്ങളിലൊക്കെ വേലി കെട്ടുകയാണെങ്കിൽ അതു് ഹിന്ദുക്കളും അഹിന്ദുക്കളും അവർണ്ണ ഹിന്ദുക്കളും ജാതി ഹിന്ദുക്കളും തമ്മിലുള്ള സാഹോദര്യത്തിനും സൌഹാർദ്ദത്തിനും വലിയ ഭംഗം ഉണ്ടാക്കുമെന്നാണു് എന്റെ അനുഭവമെന്നും ഈ കായ്യാലയത്തിൽ ഉൽഘോഷിക്കാൻ ഞാൻ ആഗ്രഹിക്കുന്നു. അതു് ജനങ്ങൾക്കു് തമ്മിൽ തമ്മിൽ വൈരസ്യത്തെ ജനിപ്പിക്കുന്നു. അതുകൊണ്ടു നമ്മുടെ ജനങ്ങളുടേയും രാജ്യത്തിന്റെ തന്നേയും ക്ഷേമത്തേയും സമാധാനത്തേയും ന

LIBRARY ARCHIVES Kerala Legislative Assembly

ശിപ്പിക്കുന്നതായ ഒരു ഏർപ്പാട് അവിടെ ചെയ്തു തീരെ അനുചിതമായി പ്പോയി എന്നാണ് എനിക്ക് അഭിപ്രായം. ഈ അഭിപ്രായത്തോട് കൂടി ഈ ഉ പക്ഷ്യപത്തെ ഞാൻ ഹാർദ്ദവമായി പിന്താങ്ങുന്നു.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Sir, I am second to none in my sympathy with the sentiment expressed by the several speakers before me. I should at the same time state that, if I can possibly do so, I would take the backward class or the polluting class hand in hand with me and break as—under all resistences due to untouchability, if I am guaranteed that there will be no breach of peace. We should know whether there is any likelihood of a breach of peace. A statement has been made here saying that policemen took sides and drove away the non-caste Hindus to accommodate the caste Hindus. This is an incorrect statement. It can be interpreted in any way. I should explain to this House the object in view the Police had in going there. They went there on receipt of information that disturbance is likely to take place, if the non-caste Hindus, that is to say, the Ezhuvas, were to pass by that road.

Mr. C. A. Ouseph.—May I know who were the initiators of the disturbances—the Ezhuvas or the other castes?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Both.

Mr. C. A. Ouseph.—One must start first. How can both?

Mr. Sheik Abdul Qadir Sahib Bahadur.—We have to decide between two honest people, one swearing against the other. It is very difficult.

Mr. C. A. Ouseph.—The Ezhuvas are going through the road. The Commissioner says there was a disturbance. Who started it?

Mr. Sheik Abdul Qadir Sahib Bahadur.—After I have finished, you will understand it better. Then, you will not be firing into the gun.

Mr. C. A. Ouseph.—No gun at all.

Mr. Sheik Abdul Qadir Sahib Bahadur.—The Police went there on the report that there would be a breach of peace, and according to the policemen, the people on both sides were dispersed. The allegation that the Police also joined in assaulting the Ezhuvas is entirely unfounded. The House must be fair and keep an open mind informing their opinion on matters of this nature. To hear one side and say that the other is wrong is not proper. I hope you will all agree with me—keep your minds open, and hear me—when I say that the policemen, according to what I can gather, could not have committed the deed which

LIBRARY ARCHIVES Kerala Legislative Assembly

is attributed to them. Now, I shall read out to you the notice that was printed or published in connection with this affair to convene a meeting on the evening of the 4th of Kumbham. This is a notice printed and published to convene a meeting. I am not going to express any opinion. I am just reading it out to you. Keep your minds open and judge whether the allegation can possibly be correct.

വള്ളിക്കുടം കുട്ടികളെ അടിച്ചു.

"മഹാജനങ്ങളെ!

ഞാറക്കൽ ഹൈസ്കൂളിൽനിന്നും കുംഭം 3-ാംന വൈകുന്നേരം സ്കൂൾ വിട്ടുപോകുന്ന കുട്ടികളെ വെളിയിലിറങ്ങി പറമ്പു വഴിയിൽവെച്ചു പൊല്ലീസ്സിന്റെ സഹായത്തോടുകൂടി. സ്ഥലത്തെ ചില നായന്മാർ അടികലശൽചെയ്തിരിക്കുന്നതിനെപ്പറ്റി വേണ്ടതു് ആലോചിച്ചു പ്രവൃത്തിക്കുവാൻ മഹാജനസമക്ഷം ഇന്നവൈകുന്നേരം സ്ഥലം ആസ്പത്രിക്കു് കിഴക്കുവശമുള്ളതായ മൈതാനത്തിൽ കൂടുവാൻ നിശ്ചയിച്ചിരിക്കകൊണ്ടു് തത്സമയം മഹാജനങ്ങളുടെ സാന്നിദ്ധ്യം സദയം പ്രതീക്ഷിച്ചുകൊള്ളുന്നു.

എന്നു് നിങ്ങളുടെ വിധേയർ.

ഞാറക്കൽ. എം. ഐ. പോൾ. (ഒപ്പു്)
1102 കുംഭം 4-ാംന. കെ. കുമാരൻ. (ഒപ്പു്)

Now, in the notice you find, I shall lay strees on these words "പൊല്ലീസിന്റെസഹായത്തോടു കൂടി."

Mr. C. A. Ouseph.—On a point of information. Before this notice was published on the 4th, did the boys complain to the Head-master that they were beaten on the 3rd?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Please have a little more patience.

Mr. C. A. Ouseph.—The Member in charge is speaking of the 4th, but I am referring to the 3rd.

Mr. Sheik Abdul Qadir Sahib Bahadur.—This notice does not say that Police constables took part in the assault. "പൊല്ലീസ്സിന്റെ സഹായത്തോടു കൂടി" only means with Police connivance. I do not know whether it is right. I leave it to you to judge. We must accept the statement in the notice, as it is the first record regarding the incident. Now, I shall pass on to the next point to show that the policemen acted impartially.

Mr. C. A. Ouseph.—May I know by whom this notice was printed and issued?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Not by me. It was issued by Narakkal Mathew Cheru and M. P. Vareed.

Mr. C. A. Ouseph.—No press?

Mr. Sheik Abdul Qadir Sahib Bahadur.—This was sent to me with the report. This cannot but be genuine. Then, about the other fact, which you will consider and decide—the action which the Police have taken. The students complained

LIBRARY ARCHIVES Kerala Legislative Assembly

to their Head-master that they were beaten. No complaint was made to the Police. Having heard that such a complaint was made to the Head-master, the Police Sub-Inspector went there, took down the statements of 8 of these boys, and registered a case against those people who assaulted them. This fact must, to a certain extent, convince you that the authorities were enquiring into the case, and were not carried away by any caste prejudice or any prejudice against any one. I feel it my duty to defend my subordinates, whenever they are falsely accused. If the Sub-Inspector had not registered the case, I should have jumped on him and ordered him to do so. But he has done rightly. He has registered the case; he is investigating it, and is doing the needful. The complaint of the other party is also being enquired into. This is the only attitude an impartial executive officer can take. The results of the investigations are yet to be known. When they are over, it will be time to a pass an opinion, whether prejudice has effected the proceedings. I hope I have made it clear to the House that the Police have only done their duty. It is only a matter of difference of opinion why the policemen should go there at all. When a breach of peace is apprehended, one has to act promptly—this is not the time for saying anything about rights.

Mr. M. K. Raman.—Will the Hon'ble Member be pleased to say whether the Sub-Inspector on 3rd Kumbham 1102, in the evening (before the event took place), sent a letter to the Head-master asking the boys not to go that way?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Absolutely correct. He did.

Mr. M. K. Raman.—Why did he send that letter?

Mr. Sheik Abdul Qadir Sahib Bahadur.—He sent that letter to avoid trouble, if the boys were to go that way during the *Utsavam* time.

The boys complained to the Head-master. The Head-master did not forward the complaint to the Police. The Sub-Inspector heard about the incident, went there of his own accord, which is certainly creditable, and registered the case against those offenders, so far as the complaint of the Ezhuvas is concerned.

Mr. George Chakyamuri.—On a point of information, Sir. Is the Hon'ble Member in a position to tell us whether it is a fact that the District Magistrate asked the Paliam to close the way?

Mr. Sheik Abdul Qadir Sahib Bahadur.—I am sorry I was not present.

Mr. K. T. Mathew.—I beg to move that the question be now put.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. M. K. Raman.—I beg to second it. We have only 10 minutes or so. I don't want to exercise the right of reply also.

President.—Have you anything more to say, Mr. Kasturi Ranga Ayyar ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I have explained all the general principles.

Mr. C. A. Ouseph.—He has already explained. He took more than half an hour for it, and again, he is called upon.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—My function here is to furnish information. If any information is necessary, I am ready. I have got great sympathy for all these.

Mr. A. K. Vengu Ayyar.—Here we have not got the full facts.

Mr. K. T. Mathew.—Whose fault is that ?

Mr. A. K. Vengu Ayyar.—The Government are not yet in possession of full facts. What information is available with the Police Commissioner has been given by him. What information the Government have in this matter I shall state. A letter and a telegram were received from Mr. Poulo Mampilli on 17th February, that there was some disturbance in the place, in which school boys were concerned. The petition was sent to the District Magistrate for enquiry and report. His report is awaited.

It was also understood from the Commissioner of Police that the Paliam Muthalpidi complained to the Sub-Inspector of Police that certain Ezhuva students of the Narakkal High School proposed to pollute the temple and the tank near by during the *Utsavam*, by passing through the lane in question, which was in close proximity to the temple, and that he (the Muthalpidi) suspected trouble on that score.

The Sub-Inspector wrote to the Head-master to advise the students not to use the lane at the time in question.

On 3rd Kumbham 1102, at about 5-30 p. m., a number of Ezhuva students, Valans and Christians, jointly attempted to pass through the lane. What happened is not exactly known.

On 4th Kumbham 1102, a complaint seems to have been received by the Sub-Inspector of Police, that some of the students were assaulted the day before. The Sub-Inspector registered a case, and the matter is under Police investigation.

In connection with this, it is understood that two meetings were held by some of the people in the place on 4th Kumbham 1102 and 8th Kumbham 1102. After the meeting on 4th Kumbham 1102, a number of students accompanied by Christians and Valans, went near the temple in a body, intending to pollute

LIBRARY ARCHIVES Kerala Legislative Assembly

it and the tank, but they were sent back by the policemen on duty. This forms the subject matter of another case of investigation by the Police.

The statement that the Police are conniving with the caste-Hindus still remains to be proved. So also the allegation that the District Magistrate advised Paliam to block up the lane.

As regards the registry of the *Poramboke* lane, the point was fully explained by the Diwan Peishkar, the Revenue Member. Without full information as to the facts of the case, nothing can be done.

Mr. T. K. Krishna Menon.—I believe this is not an academic discussion about the system of caste. Though opinions might differ about the present utility of that institution, yet all will agree that it will be dangerous to attack it by revolutionary methods, and social reform will be safe and sure when carried out on evolutionary lines. Here, however, the question is limited, and has to be entirely approached from the side of practical politics. I would side, wherever I could, as Mr. Raman, the Member for the Ezhuva Constituency knows, with the so-called depressed classes (*Hear, hear.*) If it is a public road, certainly, the whole House will unanimously vote against the conduct of any authority who interfered with the vested right of private individuals. But here the Paliam claims it as a Paliam road.

Mr. C. A. Ouseph.—It is not.

Mr. T. K. Krishna Menon.—There is at least difference of opinion on that point.

Mr. C. A. Ouseph.—The Government said it is not a Paliam road.

Mr. K. Achyuta Menon.—The Government never said it was a public road.

Mr. C. A. Ouseph.—The Hon'ble Member for Revenue said that it is Government property, and that Paliam has absolutely no right.

Mr. T. K. Krishna Menon.—All of us have heard the reports of the Village Officers, of the Revenue Inspector, and of the Tahsildar read on that point. I do not think it necessary for me to expatiate on those points covered by those records. The facts are there. The question that we have to look to is what is the attitude which the Government should now take. The Government should not take sides with one party or the other. We all may be sorry that, where a Christian corpse can be taken, a living Ezhuva cannot go. (*Hear, hear.*) Again, I say the question is what is the position which the Government

LIBRARY ARCHIVES Kerala Legislative Assembly

should now assume. Is the District Magistrate to be condemned unheard? (*Hear, hear.*) Should the Government oust the jurisdiction of the Criminal Courts? (*Hear, hear.*)

President.—What is the position the Government should take?

Mr. C. A. Ouseph.—Assign or register.

Mr. S. S. Koder.—To have gates?

Mr. T. K. Krishna Menon.—The Members may please themselves with their respective remarks.

Mr. A. B. Salem.—If it is talking for the purpose of talking, then, of course, we have no objection. Otherwise, a clear decision can be given by this House. Let it be known to the Government that such and such incidents have taken place. Is it their desire that the motion should be talked out?

Mr. C. A. Kunjunni Raja.—That is one of the devices contemplated by the Rules.

Mr. M. K. Raman.—A motion has been brought in, and it has been seconded. The President has not ruled that it is out of order.

Mr. T. K. Krishna Menon.—There is another device which I am afraid has not been brought to the notice of the House. Why should the students go by that way? (*Hear, hear and loud laughter.*) They were told on the day prior to the date of the alleged occurrence that they should not proceed further by that way. (*Hear, hear.*) Why were they advised to go by that way even on the next day?

Mr. N. Padmanabha Menon.—Are you in possession of the facts? Who says they were advised?

Mr. A. B. Salem.—Only 7 minutes more. (*Laughter.*)

Mr. T. K. Krishna Menon.—I shall go on, in spite of your "Hear, hear". You may interrupt me to your hearts' content. That is what I now want. That will also show to the outside world the way in which you conduct yourselves in the Council Hall.

Dr. A. G. Menon.—Correct proceedings always do not go out.

Mr. T. K. Krishna Menon.—That has always been the pet theme of the Tattamangalam Member.

Dr. A. R. Menon.—Oh! If it is a fault of his, I say you are the only perfect Member.

Mr. T. K. Krishna Menon.—That personal taunt requires no answer. It stands self-punished. To proceed; the students again went to the spot and proceeded further. That shows that the students were instigated by somebody from behind. (*Hear, hear.*) I am sorry that the students have been made the instru-

LIBRARY ARCHIVES Kerala Legislative Assembly

ments for this purpose. That is the other point that we should consider in this matter. Now, the Government's position should be taken into consideration. Should the Government, all at once, without knowing the facts, rush to the place and see that the road is kept open or should they collect facts and come to a correct conclusion with regard to this point, and then act? That is the point that we should take into account.

Mr. C. A. Ouseph.—Has the Member exceeded his time? (*Laughter.*)

President.—No. It is not even 10 minutes.

Mr. K. T. Mathew.—We have only got 5 minutes more.

Diwan Bahadur Dr. V. Verghese.—I have also to make a few observations. (*Hear, hear.*)

President.—Order.

Mr. T. K. Krishna Menon.—Sir, I have been barely on my legs for 5 minutes, and they say it is 15 minutes.

Mr. George Chakyamuri.—Sir, I beg to move that the question be now put.

Mr. C. A. Ouseph.—I second it.

President.—He is on his legs. He is talking. In the middle of a speech, we cannot put that motion. Further, the Government view must be placed before the House.

Mr. C. A. Ouseph.—Sir, when the closure motion was brought, the Chair has to rule that it is an abuse of the right of free discussion. *That* the Chair has not ruled.

President.—Only one gentleman on the side of the Government has spoken. I want to know the views of the others.

Mr. C. A. Ouseph.—Let there be a ruling by the Chair. If there is a ruling, the Secretary can go on until further orders.

Mr. T. K. Krishna Menon.—I do not repeat words or sentiments or trespass on Eternity as others do, Sir. I shall speak only for 15 minutes; not a minute more than that. And as the Medical Member wants to get in, I shall clear out.

Mr. A. B. Salem.—He can talk after votes are taken (*Loud and continued laughter.*)

Diwan Bahadur Dr. V. Verghese.—That is an irregularity. Let us go on.

President.—Unless you can keep silence, how can we go on with the work?

Mr. T. K. Krishna Menon.—I am only sorry that the non-official Members do not want the view of the Government side to be heard by them.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. G. Menon.—Certainly not. That is not necessary here. The Government has made a cat's paw of the Secretary to talk out this motion.

Mr. T. K. Krishna Menon.—I repudiate that insinuation.

President.—It is not yet half past five.

Diwan Bahadur Dr. V. Verghese.—I have just one or two observations to make. The accusation that has been brought forward is that the Government has been favouring the cause of the caste-Hindus in oppressing the depressed classes. I, as a Member for the Government, have to say that the object of the Government has never been to side with the rich and to oppress the poor and grind them down. (*Hear, hear.*) I have only to say that the Government has not been a party at all in this case. Certain officers of the Government, it is said, have not done the right thing, but then, the Government has to sift the facts of the case.

Mr. C. A Kunjunni Raja.—We shall sit for 10 minutes more, so that he may speak for 15 minutes. (*Laughter.*)

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Under the Rules we should not sit after 5-30.

Mr. C. A. Kunjunni Raja.—In order to give *him* 15 minutes, we will sit for another 10 minutes. (*Laughter.*)

The House rose for the day at 5.30, the discussion having automatically terminated under Standing order 14 (1).

T. K. KRISHNA MENON,
Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly